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## Letter dated 9 April 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to attach for your attention a letter from the President of the Special Tribunal for Lebanon, Sir David Baragwanath, which encloses the third annual report of the Special Tribunal pursuant to article 10 (2) of the statute of the Special Tribunal (see Security Council resolution 1757 (2007), annex). The report covers the period from 1 March 2011 to 29 February 2012.

I would be grateful if you could bring the letter from President Baragwanath to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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# Annual report of the Special Tribunal for Lebanon (2011-2012)

## Letter of transmittal

It is my duty and privilege to submit, pursuant to article 10 (2) of the statute of the Special Tribunal for Lebanon, the third annual report on its operation and activities. The report covers the period from 1 March 2011 to 29 February 2012. Subparts B, C and D of Part II of the report were prepared by the Registrar, the Prosecutor and the Head of Defence Office, respectively.

The distinctive features of the Special Tribunal were described by the late President Cassese in the first annual report. The first and second annual reports recount the stages from inception of the Special Tribunal to the filing of the first indictment in January 2011. The present report covers the subsequent confirmation of the indictment, the finding by the Pre-Trial Judge that three further attacks are connected so that the Tribunal has jurisdiction over them under its statute, as well as the decision of the Trial Chamber to permit proceedings in absentia in relation to the four accused in *The Prosecutor v. Ayyash et al.* It further records the decisions of the Pre-Trial Judge and the Appeals Chamber with respect to Mr. El Sayed's claims for evidentiary material. The present report also provides an overview of the Tribunal's non-judicial activities and records the sudden tragic death of Judge Cassese in October 2011.

The present report looks forward to the year to come, which we expect to be one of major developments, including judicial activity. Our primary role is to serve the people of Lebanon by independent and impartial investigation and trial, while remaining fully protective of the rights of the accused and mindful of the interests of victims, of whatever cases the evidence supports. We must strive, as our statute requires, to meet the highest standards of international criminal justice, and thereby to contribute to further strengthening the rule of law in Lebanon. Those standards include, as an absolute, fair procedures and decisions that are just. They also require avoidance of unnecessary delay. We have been heartened by developing relationships with the Lebanese academic and professional legal communities and by the appointment of experienced defence counsel who will ensure equality of arms in the debates to come. On the basis of the Secretary-General's finding that our work is not completed and that therefore the Special Tribunal's mandate should be extended, all of our staff, the Judges and I will seek to live up to the expectations of the people of Lebanon and the international community to carry out our mandate.

In the conclusions section, following the example of President Cassese, I sum up the major developments of the past 12 months and offer my current expectations for the next year (1 March 2012 to 28 February 2013).

(*Signed*) David **Baragwanath**
President

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*Summary*

In investigating and prosecuting the perpetrators of deadly attacks in Lebanon over which it has jurisdiction, the Special Tribunal for Lebanon responds to a broader challenge. It is to substitute an environment in which some had seen themselves as immune from liability for assassination for one in which all Lebanese people may enjoy the peace, tranquillity and opportunities for advancement that result from application of the rule of law.

Throughout the 2011/2012 reporting period, the Tribunal made significant progress in discharging its mandate. The reporting period saw the confirmation by the Pre-Trial Judge of the Tribunal's first indictment in the *Ayyash et al.* proceedings and a subsequent decision of the Trial Chamber to proceed with a trial in absentia. It also saw the determination by the Pre-Trial Judge that three attacks are connected to the 14 February 2005 attack and hence fall within the Tribunal's jurisdiction. The Office of the Prosecutor continued its investigations, while both the Office of the Prosecutor and Defence Office began preparing for trial in the *Ayyash et al.* case, including, notably, the appointment by the Head of Defence Office of leading and co-counsel for each of the four currently charged accused followed by the Office of the Prosecutor making disclosure to the Defence. The Victims' Participation Unit invited victims of the 14 February 2005 attack to participate in the Tribunal's proceedings, offered practical guidance throughout the application process and responded to victims' questions about their role in trials and the broader work of the Tribunal. The Special Tribunal also engaged in a wide variety of outreach and public affairs initiatives aimed at improving the general public's understanding of the mandate of the Special Tribunal and how it will be carried out.

All tribunals must strive to establish and maintain their credibility. That is especially the case with the Special Tribunal for Lebanon, which depends for its support upon the confidence of both the people of Lebanon and the international community. We must not only perform our mandate, but also be seen to do so in a manner that is just and is fully protective of the rights of accused, and mindful of the interests of victims. Subject always to the absolute requirement of a fair trial, we must avoid unnecessary delay. The dedication of the staff of the Special Tribunal has overcome various difficulties, including those inherent in an operation conducted in difficult economic times and in three official languages. However, intensified effort is still required, especially in securing the arrest of the accused.

To secure within and beyond Lebanon the support needed to discharge its mandate, the Special Tribunal has organized several working meetings with Lebanese legal professionals and other groups. The visit to The Hague by the Bâtonniers of Beirut and Tripoli and members of the Lebanese Bar was a highlight, allowing valuable exchanges of ideas among professional colleagues. The Special Tribunal has also undertaken a variety of other initiatives aimed at ensuring that its task and mandate are known and understood, both in Lebanon and elsewhere. The Tribunal's new website has been a source of information for the public in the three official languages — Arabic, English and French — and we are using various media, including Twitter, to interact directly with the public.

The work of the Special Tribunal has received the strong and continued support of the United Nations, the Government of Lebanon and the international community. We have no doubt that such support will continue and intensify throughout the fourth year of our mandate.

# Part I — Introduction

1. In its third year of activity, the Tribunal has been able to initiate pretrial proceedings against four persons alleged by the Prosecutor to be responsible for crimes falling within the Special Tribunal's jurisdiction. The Tribunal possesses certain international characteristics, including its seat in The Hague and seven international Judges. Its fundamental elements include the obligation to apply the criminal law of Lebanon, and be guided as appropriate by the Lebanese Code of Criminal Procedure, to events in Lebanon. Dozens of Lebanese victims of the attack on 14 February 2005 are ready to participate in the proceedings, expressing their views and concerns according to our statute; should other charges be confirmed, additional victims are likely to come forward. Our judicial focus must be on doing justice to the accused — all of whom currently charged are Lebanese — applying the criminal law of Lebanon to attacks that occurred in Lebanon. We are greatly aided in this task by our four Lebanese Judges and Lebanese staff members. We hope that, as in the *El Sayed* litigation, in whatever cases are to come there will be substantial involvement of Lebanese counsel.

# Part II — Main activities of the Tribunal in the reporting period

## A. Chambers

### 1. Introduction

2. Chambers' primary role is judicial. It bears responsibility also for a wide array of regulatory and managerial tasks. In the event of conflict between such matters, protection of judicial independence must come first. In previous years the work of Chambers focused on putting in place the legal tools and infrastructures necessary for the efficient and sound functioning of the Tribunal. There was a sharp increase in judicial activities throughout the reporting period, which required that all Judges assume their duties at the seat of the Tribunal in The Hague.

3. The Pre-Trial Judge confirmed the Special Tribunal's first indictment in June 2011; in August 2011, he ruled that the Tribunal has exclusive jurisdiction over three attacks connected to the 14 February 2005 attack; and in October 2011 the Trial Chamber was seized with the question of whether to begin proceedings in absentia in the *Ayyash et al.* case. In its decision of 23 November 2011, the Trial Chamber accepted the submission of the Defence Office and directed the Registrar to ensure that the four accused were notified of the President's open letter to them of 11 August 2011, informing them of the content of rule 104 of the Tribunal's Rules of Procedure and Evidence concerning waiver of the right to attend proceedings, and rule 105 concerning attendance at hearings via videoconference. On 1 February 2012, the Trial Chamber determined that the conditions for initiating a trial in absentia had indeed been met. Throughout the past year, progress was also made in the continuing *El Sayed* matter.

4. Although the increasing judicial functions of Chambers required its expansion during the reporting period, every effort was made to keep staffing costs and other expenditures to an absolute minimum.

5. In October 2011, Judge Antonio Cassese stepped down from the Presidency on health grounds. The Appeals Chamber Judges unanimously elected Judge Sir David Baragwanath as the Tribunal's second President. Since assuming that role, President Baragwanath has met leading politicians and jurists in Lebanon and engaged in a number of major outreach initiatives.

## 2. Judicial activities

*Prosecutor v. Ayyash et al.*

6. During the third year of operations of the Tribunal, judicial activities in the *Ayyash et al.* case started with the submission of the first indictment. First filed on 17 January 2011, the indictment was amended on three separate occasions (11 March 2011, 6 May 2011 and 10 June 2011 — the most recent was at the request of the Pre-Trial Judge). To ensure the legality of his examination of the charges and any confirmation of the indictment, the Pre-Trial Judge requested the Appeals Chamber to clarify the applicable law before the Tribunal. The Chamber did so in a decision issued on 16 February 2011. In it, the Appeals Chamber pronounced on the interpretation of the Tribunal's statute, identified the applicable law on terrorism, conspiracy and homicide, outlined the different modes of responsibility and clarified whether cumulative charging was allowed before the Tribunal. This decision allowed the Pre-Trial Judge to carefully review the indictment and the voluminous material in support of it. Ultimately, the Pre-Trial Judge was satisfied that the Prosecutor had established a prima facie case against the persons accused of the attack of 14 February 2005 that killed former Lebanese Prime Minister Rafiq Hariri and 21 other victims.

7. On 28 June 2011, the Pre-Trial Judge confirmed the indictment under article 18(1) of the statute against Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra for conspiracy to commit a terrorist attack, as well as a variety of other crimes (including intentional homicide). The indictment may be viewed on the Tribunal's website. The indictment and accompanying arrest warrants were transmitted to the Lebanese authorities on 30 June 2011. On 8 July 2011, the Pre-Trial Judge issued international arrest warrants for the four accused.

8. Initially the indictment remained confidential in order to facilitate the search for and apprehension of the accused. However, following a request by the Prosecutor, and to aid in the dissemination of the arrest warrants by INTERPOL, the Pre-Trial Judge partially lifted the confidentiality of the indictment on 28 July 2011. The order issued by the Pre-Trial Judge permitted the public release of the names, biographical information, photographs and charges pertaining to each of the accused.

9. On 16 August 2011, the Pre-Trial Judge unsealed the indictment and his decision confirming it. On 18 August 2011, President Cassese ordered that service of the indictment be effected by alternative means, including public advertisement. The indictment has since been posted in the hometowns of the accused and published in the Lebanese media. In his order, President Cassese emphasized the continuing obligation of Lebanon to search for, serve the indictment on, and detain and transfer to The Hague each of the accused within its territory, and ordered the Lebanese authorities to submit to him each month a detailed report in this regard. The successive Presidents have since received such monthly reports from the

Prosecutor General at the Court of C sation of Lebanon. Although the Prosecutor General advises that the Lebanese ..thorities have been diligently attempting to apprehend the accused, to date their efforts have been unsuccessful.

10. On 8 September 2011, President Cassese convened the Tribunal's Trial Chamber for the first time. On 17 October 2011, the Pre-Trial Judge issued an order seizing the Trial Chamber of the question of whether to initiate proceedings in absentia in the *Ayyash et al.* case.

11. Following written submissions from the Office of the Prosecutor and the Defence Office, during the first hearing in the case, on 11 November 2011, the Trial Chamber received oral arguments from the Office of the Prosecutor, the Defence Office and the Victims' Participation Unit. The Prosecution submitted that initiating proceedings in absentia would be premature and that the Lebanese authorities should do more to locate and arrest the accused before the Tribunal could try them in absentia. The Defence Office submitted that the Trial Chamber should consider withdrawing the arrest warrants and notifying the accused of the possibility of appearing at the trial by videoconference.

12. On 23 November 2011, the Trial Chamber issued an interim decision, noting that it required further information from the Lebanese authorities before being able to rule whether the conditions for a trial in absentia had been met under rule 106 of the Rules of Procedure and Evidence. The Office of the Prosecutor filed its progress report on 8 December 2011, and provided the Trial Chamber with an analysis of the material received from the Lebanese authorities on 16 December 2011.

13. On 1 February 2012, the Trial Chamber decided to proceed to try the four accused in the *Ayyash et al.* case in their absence, pursuant to article 22 of the Tribunal's statute and rule 106 of the Rules of Procedure and Evidence. In reaching its decision, the Trial Chamber examined a large amount of material detailing the efforts of the Lebanese authorities to inform the accused of the charges against them and to apprehend them. Having carefully reviewed all of the information provided by the Office of the Prosecutor and the Lebanese Prosecutor General, the Trial Chamber concluded that all reasonable steps had been taken to secure the appearance of the accused and to notify them of the charges they face before the Tribunal, and that the accused have absconded and do not wish to take part in their trial.

14. On 2 February 2012, the Pre-Trial Judge requested the Head of the Defence Office to appoint counsel to represent the accused. From his panel of qualified candidates, the Head of the Defence Office immediately appointed eight experienced counsel.

*Connected attacks*

15. On 30 June 2011, the Pre-Trial Judge received a request from the Prosecutor to determine whether three attacks which took place against Marwan Hamadeh (on 1 October 2004), George Hawi (on 21 June 2005) and Elias El-Murr (on 12 July 2005) were connected to the attack of 14 February 2005 that killed former Prime Minister Hariri. On 5 August 2011, the Pre-Trial Judge issued a confidential decision ruling that the Prosecutor had presented prima facie evidence that each of the three attacks were so connected. The contents of the decision remain confidential in order to protect the victims and potential witnesses and so as not to

compromise the investigations of the Office of the Prosecutor. However, the Pre-Trial Judge ordered that the Office of the Prosecutor may share the decision with the Lebanese authorities. On 19 August 2011, the Pre-Trial Judge further ordered that the Lebanese authorities should provide relevant investigative files to the Prosecutor.

16. As a result of the decisions of the Pre-Trial Judge on jurisdiction over the connected attacks and subsequent deferral, the Office of the Prosecutor now has exclusive jurisdiction to investigate and prosecute the connected attacks.

*El Sayed*

17. Jamil El Sayed was one of four generals who were detained by the Lebanese authorities in connection with the attack of 14 February 2005. Following his release from prison pursuant to an order of the Pre-Trial Judge in April 2009, Mr. El Sayed has taken steps to pursue civil remedies before national courts.

18. In 2010, the Appeals Chamber confirmed a decision of the Pre-Trial Judge that the Special Tribunal has jurisdiction over Mr. El Sayed's request for access to evidentiary material in the possession of the Office of the Prosecutor and that he had standing to appear before the Tribunal. Since then, the Pre-Trial Judge has directed the process by which the Office of the Prosecutor has identified and disclosed documents to Mr. El Sayed and his counsel.

19. On 12 May 2011, the Pre-Trial Judge ordered the Prosecutor to release documents to Mr. El Sayed. Disclosure has taken place on a rolling basis pursuant to that order, with appropriate redactions being made to protect vulnerable individuals and preserve the integrity of the ongoing investigations of the Office of the Prosecutor.

20. On 19 July 2011, the Appeals Chamber determined Mr. El Sayed's partial appeal from the Pre-Trial Judge's decision of 12 May 2011. Applying principles of international law as to entitlement of a detainee of access to justice and of a citizen to access to information held by a governing authority, the Appeals Chamber confirmed that Mr. El Sayed has an enforceable right to obtain documents from the Prosecutor relating to his detention in Lebanon, but noted that this right was subject to limitations. It affirmed the determination by the Pre-Trial Judge that certain categories of documents are non-disclosable because they are internal working documents covered by Rule 111 of the Tribunal's Rules of Procedure and Evidence. However, the Appeals Chamber sent the file back to the Pre-Trial Judge to ensure that the Prosecutor had properly categorized the documents asserted to be internal working documents.

21. On 7 October 2011, the Appeals Chamber held that the statements of certain witnesses must be swiftly provided by the Prosecution to Mr. El Sayed. The decision confirmed in part a September 2011 decision of the Pre-Trial Judge which ordered that the documents be disclosed. The Appeals Chamber returned the matter to the Pre-Trial Judge for further consideration of the statements of other witnesses, directing that the Prosecution consult with the Tribunal's Victims and Witnesses Unit to ensure that the disclosure of such statements would not present risks to any persons or impede the *Ayyash et al.* proceedings.

22. The Pre-Trial Judge subsequently issued orders giving effect to the decision of the Appeals Chamber. For instance, on 10 October 2011, the Pre-Trial Judge ordered

the Prosecution to estimate how long it would take to propose necessary redactions to witness statements (after consultation with the Victims and Witnesses Unit). On 14 October 2011, the Prosecution proposed that it provide statements to the Victims and Witnesses Unit, then to the Pre-Trial Judge, on a rolling basis (so as to minimize delays).

23. On 1 November 2011, the Pre-Trial Judge ordered the Prosecutor to specify (in consultation with the Language Services Section) the date by which certain material would be translated into Arabic, and to clarify the status of other documents, by 8 November 2011. The Pre-Trial Judge also ordered the Prosecutor to prepare a report regarding the achievement of its disclosure obligations.

24. The Pre-Trial Judge is actively managing the disclosure process by regularly setting deadlines and authorizing redactions. He promptly determines motions filed by Mr. El Sayed and the Prosecutor.

*Other developments*

25. During the reporting period, the Pre-Trial Judge began work on the case file, which will be submitted to the Trial Chamber in the *Ayyash et al.* proceedings. He also prepared for the receipt of applications from victims wishing to participate in the Tribunal's proceedings and set a deadline of 31 October 2011 for victims to submit their applications. On 10 February 2012, the Victims' Participation Unit submitted to the Pre-Trial Judge the applications of 73 persons requesting to participate in the proceedings.

26. On 16 September 2011, the Pre-Trial Judge determined the working languages for the *Ayyash et al.* case. He further ordered (on 21 September 2011, 13 October 2011 and 10 January 2012) that the indictment and Prosecutor's submissions in the *Ayyash et al.* case be made public, and on 24 January 2012 issued a decision on the protection of witnesses (pursuant to Rules 115 and 118 of the Rules of Procedure and Evidence).

## 3. Regulatory activities

### (a) Rules of Procedure and Evidence

27. Pursuant to rule 5 of the Rules of Procedure and Evidence, all proposals for amendment of same are examined by a Rules Committee. The current Rules Committee is chaired by Vice-President Riachy and held its first meeting on 25 October 2011. Since then, he and Judges Björnberg and Roth have invested considerable time and effort in analysing proposed amendments to the Rules of Procedure and Evidence and making recommendations for all Judges to consider.

28. At a plenary meeting on 8 and 9 February 2012, the Tribunal's Judges authorized certain amendments to the Rules of Procedure and Evidence. The purpose of the changes was to clarify and streamline the Tribunal's procedures, in particular with respect to victims' participation. The Judges were guided by the principle that amendments to the Rules of Procedure and Evidence ought to be avoided unless they are of genuine utility and value.

### (b) Relations with States

29. On 21 September 2011, President Cassese and the Vice-President, as well as representatives of the Office of the Prosecutor, spoke at a diplomatic briefing in The Hague which was hosted at the residence of the Canadian Ambassador. The Registrar and the Defence Office also participated in the event.

30. Following his election as President in October 2011, President Baragwanath has engaged in a large number of meetings with Ambassadors of the Management Committee States, countries of the region and elsewhere. In particular, the President visited Lebanon from 22 to 25 November 2011, accompanied by the Vice-President and the Chef de Cabinet. They met, inter alia, the President, Prime Minister, Minister for Foreign Affairs and Minister of Justice of Lebanon, as well as a large number of Ambassadors.

### (c) Practice Directions/internal guidelines and codes

31. On 30 March 2011, President Cassese issued a Practice Direction on the Role of the Head of the Defence Office in Proceedings before the Tribunal. On 21 February 2012, President Baragwanath issued an amended Direction to deal more specifically with the role of defence counsel. On 23 February 2012, President Baragwanath also issued a Practice Direction on amicus curiae submissions before the Tribunal.

## 4. Managerial and other tasks

### (a) General

32. Although selected in December 2007, the Judges were not formally appointed until March 2009. At that stage, three Judges, President Cassese, Vice-President Riachy and Pre-Trial Judge Fransen, moved to the seat of the Tribunal in The Hague. Until September 2011, the remaining Judges, three in addition to the President and Vice-President in the Appeals Chamber and all five members of the Trial Chamber (two of them alternate Judges), did not move to The Hague. They received payment only for time spent either attending meetings and hearings or working on specific projects. The eight (including replacements for Judge Swart, former Presiding Judge of the Trial Chamber and sadly deceased, and for Judge Morrison) were: in the Trial Chamber, Judges Robert Roth (Presiding Judge), Micheline Braidi and David Re, together with alternate Judges Janet Nosworthy and Walid Akoum; and in the Appeals Chamber, Judges Afif Chamseddine, David Baragwanath and Kjell Björnberg.

33. On 8 September 2011, the President announced the composition of the Trial Chamber. The five Trial Judges, together with the remaining three Appeals Judges, assumed their duties at the Tribunal on 20 September 2011.

34. The election of Judge Sir David Baragwanath as the Tribunal's second President took place on 10 October 2011, following the resignation of Judge Cassese on health grounds. The new President initially met the heads and staff of each of the Tribunal's four organs, as well as a large number of Ambassadors and other members of the diplomatic community in The Hague.

35. Tragically, the Tribunal's first President, Judge Antonio Cassese, passed away on 22 October 2011 following a long battle with cancer. On 16 November 2011,

Judge Cassese's unrivalled contributions to international criminal law were honoured by speakers at the Hague Academy of International Law. The tribute was organized by staff of the Appeals Chamber, and focused on Judge Cassese's legal legacy. The event was attended by approximately 350 international and local guests, including Judges, Ambassadors, professors and Judge Cassese's former colleagues. On 24 January 2012, a similar and well-attended event took place at the Council of Europe in Strasbourg under the direction of the Parliamentary Assembly President, Mr. Jean-Claude Mignon, other members of the Parliamentary Assembly, Judges of the European Court of Human Rights and staff members, a number of them colleagues or former students of President Cassese. President Baragwanath delivered a speech in honour of Judge Cassese.

36. On 29 February 2012, Judge Daniel David Ntanda Nsereko was appointed by the Secretary-General as a member of the Appeals Chamber.

37. The President has continued to attend regular meetings of the Senior Management Board in order to coordinate with the other principals and to enhance the quality and effectiveness of the operations of the Special Tribunal. The Vice-President has also continued to oversee the regime for victims participating in the Tribunal's proceedings.

38. In addition, over the course of the past year Chambers staff have been active in dealing with appeals on internal disciplinary measures.

### (b) Outreach activities

39. The Judges and staff of Chambers regularly give presentations to student groups, lawyers and others who visit the Tribunal, to inform them of the Tribunal's work and respond to their questions. On 1 November 2011, the President delivered the opening address at the Inter-University Programme on International Criminal Law and Procedure (organized by the Outreach and Legacy Section of the Tribunal). The lecture was attended by approximately 120 students from eight different Lebanese universities and was facilitated by a video link between The Hague and Beirut. The President and Chambers' legal officers also delivered presentations at the Lawyers' Forum which took place in The Hague from 23 to 26 January 2012. The event was attended by 29 representatives of the Lebanese Bar Associations, including the Bâtonniers of Beirut and Tripoli.

40. During the visit of the President, Vice-President and the President's Chef de Cabinet to Beirut from 22 to 25 November 2011, they met with political leaders, the Prosecutor General at the Court of Cassation, the Bâtonniers of Beirut and Tripoli and university representatives.

41. Chambers staff undertook a comprehensive review of the website of the Tribunal prior to its relaunch in August 2011. They were also active in the development and refinement of the Legal Workflow system.

## 5. Need for careful management of resources

42. During the reporting period, Chambers recruited the minimum number of legal officers and support staff required in order to meet its increased judicial responsibilities. Neither the Pre-Trial Judge nor the Appeals Chamber employed any additional staff members, despite having budgeted funds for that purpose.

43. The initiation of the Trial Chamber's activities naturally required an expansion of its human and financial resources. Throughout the reporting period, four legal officers and one administrative assistant were employed to support the work of the five Trial Judges. When compared with the number of staff that typically support the Judges in other international criminal tribunals, this team is very small.

### 6. The way forward

44. In the next reporting period, the President, in consultation with the other Judges, plans to:

(a) Concentrate on judicial activity, in particular matters within the Tribunal's primary jurisdiction, so as to enhance the pace of the proceedings and ensure that fair and expeditious justice is served;

(b) Increase relations with third States to establish a stable cooperation network that will be helpful to continue the work of the Tribunal;

(c) Intensify relations with the Lebanese authorities;

(d) Sustain the efforts of the Special Tribunal to engage with Lebanese society and other stakeholders.

## B. Registry[1]

### 1. Introduction

45. According to article 12 (1) of the statute, the Registry, under the direction of the Registrar, is responsible for the necessary administration and servicing of the Tribunal. The Registry is mandated to provide support to the Chambers, the Office of the Prosecutor and the Defence Office in order to facilitate their functioning and ensure that the Tribunal is in a position to expeditiously carry out its mandate in the most cost-efficient fashion. More specifically, the Registrar's responsibilities include the following:

(a) External relations — The Registrar has an important external diplomatic function. He liaises closely with the host State, the Tribunal's Management Committee, donors and non-governmental organizations. He has the responsibility to negotiate witness relocation agreements, as well as other cooperation arrangements with States. In addition, he oversees the Registry Outreach and Legacy Section and the Public Affairs Section, which play an important role in communicating with the public, as well as provide information about the work of the Tribunal. Finally, the Registrar is responsible for the overall functioning of the Tribunal's Beirut and New York Offices;

(b) Judicial support — The assistance provided by the Registry in facilitating the judicial proceedings includes court management, language services, victims' participation, support to victims and witnesses, security and protection of witnesses and management of the Detention Unit;

(c) Administrative support — The Registry is responsible for the preparation of the Tribunal's budget, as well as for providing support to all organs of the

[1] This section was prepared by the Registrar.

Tribunal in the areas of human resources, finance, procurement, general services and information technology.

46. In the past 12 months, the Registry focused on securing the necessary financial resources, as well as other cooperation arrangements required to fulfil the Tribunal's mandate. The Tribunal was able to continue its work with the contributions of States as well as the European Union, and received Lebanon's contribution at the beginning of December 2011. During the reporting period, the Registry continued to assist the Chambers, the Office of the Prosecutor and the Defence Office in areas that include translation and interpretation, administration, information technology, security, press and information and outreach. In addition, the Registry focused on strengthening the sections directly involved in providing support to judicial proceedings and reinforcing its information security software and policies within the Tribunal's offices in Leidschendam, the Netherlands, Beirut and New York. During the reporting period, fiscal responsibility was exercised throughout the Tribunal in order to ensure that its operations were undertaken with utmost efficiency and with minimal costs.

## 2. Immediate Office of the Registrar

### (a) External relations

47. Throughout the reporting period, bilateral meetings were held by the Registrar with representatives of the diplomatic community in Leidschendam, The Hague, Beirut, New York and elsewhere to appeal for funding and to negotiate cooperation agreements.

48. In late March/early April 2011, the Registrar travelled to Beirut to discuss recent developments of the Tribunal and express his gratitude to the Government of Lebanon for its continued assistance to the Tribunal. A follow-up visit took place in September 2011, after the formation of the new government in June.

49. The Registrar travelled to New York in October 2011 to hold bilateral meetings with members of the Management Committee, members of the Security Council, regional States and potential donors, as well as with Departments of the United Nations Secretariat. In New York, briefings were also organized for the Group of Interested States, non-governmental organizations and the legal advisers of the European Union.

50. In The Hague, regular briefings were held with representatives of the diplomatic community, including a briefing for members of the European Union hosted by the Hungarian Embassy and a diplomatic briefing organized by the Canadian Embassy. In addition, a number of Ambassadors and diplomatic representatives were invited to the Tribunal to visit its premises and meet its staff.

51. The Registry enjoyed the continued cooperation of the Government of the Netherlands, including support in relation to the Tribunal's premises, external security, the issuance of visa and residency permits, and other matters.

### (b) Special Tribunal for Lebanon premises outside the Netherlands

*Beirut Office*

52. In the last year, the tempo of work in the Beirut Office increased following the filing and confirmation of the *Ayyash et al.* indictment. The external relations

function of the Beirut Office developed to keep pace with the increased political and media attention focused on the Tribunal in Lebanon. Numerous meetings and background briefings were held with the diplomatic community, government officials and United Nations representatives.

53. The day-to-day activities of the Registry in Beirut continued throughout the reporting period. Routine support was provided to the work of resident and visiting Office of the Prosecutor investigators, as well as to visiting principals from Chambers, Registry and the Defence Office. In addition, the functions of the Registry expanded in the form of increased outreach activities and the addition of a Victims' Participation Unit representative in Beirut.

54. The total number of staff based in the Beirut Office at the end of the year exceeded 60, a significant proportion of whom were Registry staff from the Immediate Office of the Registrar, Security, the Language Services Section, the Victims and Witnesses Unit, Outreach, the Victims' Participation Unit, General Services and Information Technology.

55. In late 2011, work began on modifying the office to accommodate additional staff from Chambers and the Defence Office. With the arrival of those new staff members in early 2012, all four organs of the court will be represented in the Beirut Office.

*New York Liaison Office*

56. The Tribunal's New York Office continued to assist the Management Committee in its work and ensured a reliable and effective channel of communications between the Tribunal and the Committee. The Liaison Office provided regular updates on the work and challenges of the Tribunal to interested States, departments of the United Nations Secretariat and non-governmental organizations. It also provided political advice to the Registrar on relevant matters being discussed in New York and organized and supported visits of the representatives of the Registry and the Office of the Prosecutor to New York throughout the year.

### (c) Inter-tribunal cooperation

57. The Tribunal enjoyed the continued cooperation of the international courts and tribunals based in The Hague, including the International Tribunal for the Former Yugoslavia, the International Criminal Court and the International Court of Justice. Areas of cooperation included the joint organization of various training sessions and outreach events, cooperation on information technology initiatives, provision of assistance in language services and interlibrary loans. Such mutual assistance contributed to internal cost efficiencies. The Tribunal also continues to host The Hague Sub-Office of the Special Court for Sierra Leone at its premises for the *Taylor* trial proceedings.

## 3. Judicial support

### (a) Court management

58. The Court Management Services Section supported Chambers, the Office of the Prosecutor and the Defence Office and other participants with the filing of submissions and orders in the *Ayyash et al.* case, in the connected cases, in the

Matter of El Sayed as well as with the organization of hearings. The Section also drafted numerous documents detailing internal procedures to be followed for the efficient administration of justice at the Tribunal.

59. The number of filings processed by the Court Management Services Section during the reporting period was 273, corresponding to 101,055 pages of official court documents filed, many of which were translated into all three official languages of the Tribunal: Arabic, English and French. A hearing was held confidentially and ex parte in April 2011 relating to the request by Mr. El Sayed to obtain documents that relate to his file and which he believes are in the possession of the Prosecutor of the Tribunal. In November 2011, the Trial Chamber held its first hearing in the *Ayyash et al.* case to hear arguments from the Prosecution and the Defence Office about initiating in absentia proceedings.

60. In order to be in a position to ensure the necessary organizational and logistical support for court proceedings with minimal staff, the Court Management Services Section continued to pursue a flexible combination of staff recruitment, cross-training of staff to cover multiple functions and outsourcing of courtroom support, such as court reporting.

61. The Legal Workflow Information Technology system (electronic tools) to manage the information and processes of the Tribunal's judicial and non-judicial functions was launched in August 2011. Further refinements were made to Legal Workflow throughout the year, and in January 2012 the system was fully prepared for electronic filing and electronic disclosures between participants.

62. During the reporting period, the library of the Special Tribunal for Lebanon satisfied an average of 200 enquiries per month, providing vital legal information services to the Tribunal's organs. The library continued to build a comprehensive collection based on a patron-driven acquisition policy and consisting of 5,600 publications, including 900 full text articles, a core selection of law journals and 45 online databases. The library successfully reorganized its electronic resources into a searchable online A-Z list, and with the assistance of colleagues in Chambers developed a new database of case law on terrorism. The consolidation of the library collection has resulted in a reduction in the number of interlibrary loans from 30 per cent to 15 per cent of the total book requests.

### (b) Language Services Section

63. The Tribunal's Languages Services Section operates at the seat of the Tribunal and at the Beirut Office. The Section provides services to all organs in the Tribunal's three official languages: Arabic, English and French.

64. During the reporting period, interpretation services were provided in support of ongoing investigations in the field, courtroom hearings, outreach and training events. Over the last year, these services amounted to 448 interpreter-days. The Section also assisted with the transcription of audio recordings and provided language assistance in many forms to the Office of the Prosecutor, the Defence Office, Chambers and various parts of the Registry, notably those interacting with victims, potential witnesses, the media and the general public.

65. The translation workload of the Section constantly increased during the reporting period. Over the past year, the Section delivered close to 17,300 pages of

translation (49 per cent into English (notably from Arabic), 31 per cent into Arabic, and 19 per cent into French (1 per cent into other languages)).

### (c) Victims and Witnesses Unit

66. During the reporting period, the Victims and Witnesses Unit continued to strengthen its operational capability in order to efficiently and securely enable witness movements for the purposes of the Tribunal. The Unit actively sought to further strengthen cooperation and support from States, particularly in the field of witness protection and relocation agreements, which are of vital importance for the success of the Tribunal. The demanding operational environment remains one of the main challenges facing the Unit.

### (d) Victims' Participation Unit

67. Following the confirmation of the indictment in the case of *Ayyash et al.*, the Victims' Participation Unit called for applications from victims wishing to participate in proceedings before the Tribunal. Individuals who suffered physical, material or mental harm as a direct result of the attack of 14 February 2005 that killed Rafiq Hariri and 21 other persons, and injured over 230 persons, were invited to apply to participate in the Tribunal's proceedings by completing an application form (available on the website of the Tribunal in its three official languages).

68. To assist victims with their applications, the Unit advised victims seeking legal and administrative support in filling out the application form, including a Lebanese telephone hotline to answer victims' questions. The Unit has a Liaison Officer based in the Beirut Office who was in regular contact with victims as well as Lebanese lawyers to provide assistance and information. The application process was conducted entirely confidentially.

69. On 19 July 2011, with the assistance of the Outreach and Legacy Section and the Public Affairs Section, the Victims' Participation Unit released a public service announcement video inviting victims to take part in the Tribunal's judicial proceedings. The announcement explains how victims of the 14 February 2005 attack could apply to participate in the Tribunal's first trial, and outlines the important role that they have to play. The public service announcement was widely broadcast throughout Lebanon in July, August and September 2011.

70. Seventy-three people have responded to the call for victim applications. On 10 February 2012 the Unit submitted their applications to the Pre-Trial Judge. It will be up to the Pre-Trial Judge to decide which victims can participate in the proceedings in accordance with the Tribunal's Rules of Procedure and Evidence. These victims will be represented by a legal representative and will take part in the proceedings, allowing their voices to be heard in the trial. The Special Tribunal for Lebanon has funds available for victims who do not have the means to pay for their own legal representation.

71. During 2011, the Victims' Participation Unit maintained fruitful contact with the legal community of Lebanon and with international lawyers in order to inform and encourage lawyers to join the list of potential legal representatives for victims participating in the proceedings. To date, 31 lawyers, including 10 Lebanese lawyers, have been admitted to the list of legal representatives for victims participating in the proceedings.

72. The Victims' Participation Unit has also cooperated with the Defence Office to conduct several missions to Lebanon, including two round tables with the Bar Associations of Tripoli and Beirut, and has met individually with many international lawyers. In December 2011, in cooperation with the International Criminal Court, the Victims' Participation Unit organized a two-and-a-half-day training seminar at the seat of the Tribunal for counsel who may represent victims participating in proceedings before the Tribunal. Lawyers representing victims before the International Criminal Court and their assisting staff also took part in the training.

### 4. Outreach and public affairs activities

#### (a) Outreach and Legacy Section

73. The primary role of the Outreach and Legacy Section is to explain to people in Lebanon the purpose, role and functioning of the Tribunal and to address misperceptions about the Tribunal's work, with a view to increasing the amount of accurate information about the Tribunal in public discourse.

74. Over the past year, the Section has expanded its work and continued its strategy of explaining the work of the Tribunal in the wider context of international criminal justice. It also engaged in educational activities which would contribute to the legacy of the Tribunal. In coordination with all organs, a number of activities were organized in Lebanon and the Netherlands. Target audiences included the legal, academic and diplomatic communities as well as international and local non-governmental organizations.

75. In March 2011, the Outreach and Legacy Section arranged a three-day seminar on the development of international justice which brought representatives of 24 Lebanese non-governmental organizations to The Hague. In April 2011, 28 prominent Lebanese lawyers and academics visited the Tribunal's headquarters. In addition to receiving extensive briefings on the Tribunal's work and engaging in interesting discussions with Tribunal officials, both groups also benefited from visits to and briefings on the work of the International Criminal Court and the International Tribunal for the Former Yugoslavia.

76. In May 2011, the Section cooperated with two Lebanese non-governmental organizations, Justice without Frontiers and the Association for Disseminating Legal Culture in the Arab World, to hold a three-day conference in Beirut on the development of international criminal justice. The conference was the first of its kind and brought together senior officials and experts from the International Criminal Court, the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the Special Tribunal for Lebanon with their colleagues from many countries in the region, including Algeria, Bahrain, Egypt, Kuwait, Morocco, Lebanon, Qatar, the Sudan and Tunisia.

77. On 1 November 2011, eight Lebanese universities,[2] in cooperation with the Outreach and Legacy Section and Asser Institute in The Hague, launched a two-semester programme on international criminal law and procedure. During this course, lectures were held via videostreaming from the Asser Institute in The Hague

[2] The Université Libanaise, Beirut Arab University, Université Saint-Joseph, Notre Dame University, Université Antonine, Université La Sagesse, Université Saint-Esprit de Kaslik and the American University of Science and Technology.

to students gathered at one of the participating universities (on a rotational basis). Simultaneous interpretation was provided between English and Arabic, and each lecture was followed by a lively and interactive question and answer session. The programme met with great interest from the students of participating universities, and 120 applicants were admitted. The lecture series will continue until May 2012, after which the students will take a final exam and a group of those most successful will participate in a working visit to the Tribunal and other international judicial institutions in The Hague.

78. At the end of January 2012, in cooperation with the Beirut and Tripoli Bar Associations, the Outreach and Legacy Section arranged a four-day seminar on the development of international justice which brought 29 representatives of the Lebanese Bar Associations to The Hague. The delegations, headed by the Presidents of the Beirut and Tripoli Bar Associations, met with the Tribunal's principals and other officials, received briefings and engaged in interesting discussions on the work of the Tribunal and its relevance to the legal professionals in Lebanon. The visitors also visited and received briefings from the International Criminal Court, the International Tribunal for the Former Yugoslavia, the International Court of Justice and the Special Court for Sierra Leone.

79. The Section has also produced printed and digital information materials for distribution in Lebanon, as well as at the seat of the Tribunal. Throughout the reporting period, staff of the Section held numerous meetings with and provided briefings to local interlocutors about the work of the Tribunal.

### (b) Public Affairs Section

80. The Public Affairs Section of the Tribunal is responsible for external communications with journalists and the general public, principally in Lebanon and the broader Middle East region. The Section provides services to all the organs of the Tribunal, in particular to the Chambers and the Registry. Over the past year there have been significant changes in the staffing and working practices of the Section.

81. Lebanon has the most vibrant and diverse media in the Arab world, and interest in the Tribunal remains extremely high. Since the formation of the Tribunal, the Public Affairs Section has focused on correcting misinformation about the Tribunal. The Section has worked hard to refine the Tribunal's messages in an effort to ensure that facts — rather than speculation — are reported. In the course of the past year, the spokesperson has responded to more than 1,000 media questions, approximately 80 per cent of which came from Lebanon.

82. The Tribunal's website was relaunched in August 2011. The new site includes a number of innovations that explain clearly our mandate and complex legal processes. There has also been a push to encourage direct communication with the Lebanese public through the "Ask the Tribunal" feature. Other initiatives to talk directly to the public include a Twitter feed (STLebanon), as well as Scribd, Flickr and YouTube channels (with the same username). The Registrar and the Head of Defence Office have both held live question-and-answer sessions with the Lebanese public on Twitter — an initiative that the Section intends to continue.

83. In the course of the past year, the Public Affairs Section has hosted the visits of nearly 40 groups to the Tribunal. Some 750 people from Lebanon and many other countries, on four continents, have toured the courtroom and have heard from

speakers from all the organs of the Tribunal. Finally, internal communications have been strengthened to provide timely updates and analysis of developments in Lebanon to the Tribunal's staff.

## 5. Administrative support

### (a) Budget and funding

84. The approved budget for the Tribunal for the period from 1 January to 31 December 2011 amounted to $67.3 million. Following careful consideration and, based on the recommendation of both the external and internal auditors, the Management Committee approved the change of the official currency of the Tribunal from United States dollars to euros. Consequently, the approved budget for 1 January to 31 December 2012 amounts to €55.3 million. The 2012 budget for staffing and operational costs is based on a number of parameters. Most significantly, there is every indication that pretrial activities will continue for the first half of the year, followed by trial activities in the latter part. In this connection, the budget reflects the need for the Tribunal to be trial ready by the second half of 2012.

85. In accordance with article 5 of the statute (see Security Council resolution 1757 (2007), annex), 51 per cent of the expenses of the Tribunal shall be borne by voluntary contributions from States and 49 per cent by the Government of Lebanon. Since its inception, 26 countries have contributed to the Tribunal, either through voluntary contributions or in-kind support. The countries that have contributed, in addition to Lebanon, include: Austria, Belgium, Canada, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, the Russian Federation, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and regional States. In addition to contributions from States, the Tribunal also received a contribution from the European Union.

86. The External Auditor of the Tribunal, appointed by the Management Committee, conducted the second audit of the Tribunal, and a report with an unqualified audit was issued in July 2011. The Tribunal engaged a company to develop and implement both an internal audit programme and an enterprise risk management programme in 2011.

### (b) Recruitment of staff

87. A total of 362 staff were employed by the Tribunal as of 27 February 2012, of which 62 are located in the Beirut Office. The staff of the Tribunal currently comprises over 62 nationalities, including 50 staff of Lebanese nationality, representing 14 per cent of the staffing total (see annexes I and II). The gender distribution continues to improve, with a ratio of 40 per cent female and 60 per cent male staff members.

88. The internship programme has continued successfully with 81 interns participating in the work of the Tribunal during 2011. While funding for the internship programme has seen a reduction over the years, the number of internships has increased with a steady rise in the number of unfunded internships. During

2011, 62 interns were unfunded, accounting for 77 per cent of all internships. The Tribunal continues to encourage nationals of Lebanon to apply to the programme.

89. In 2010, a National Visiting Professional programme was also launched in order to provide young Lebanese lawyers in the early stages of their career the opportunity to contribute to the work of the Tribunal and enhance their professional development. During 2011, two Lebanese lawyers participated in the programme.

### 6. The way forward

90. In the coming year, the Registrar's priorities will remain to ensure that the Tribunal receives the financial support and cooperation required to fulfil its mandate. In particular, he will focus on:

(a) Implementing the Tribunal's fundraising strategy;

(b) Continuing to seek arrangements with States on the relocation of witnesses and the enforcement of sentences;

(c) Ensuring that the Registry sections responsible for providing support to the judicial proceedings will be prepared for the commencement of trial activities in the *Ayyash et al.* case;

(d) Continuing to provide support to the Chambers, the Office of the Prosecutor and the Defence Office;

(e) Enhancing press and outreach activities in Lebanon and elsewhere with a view to providing accurate and timely information about the next stages in the Tribunal's work;

(f) Ensuring that fiscal responsibility is exercised throughout the Tribunal and ensuring that the Tribunal's operations are undertaken with utmost efficiency and with minimal costs.

## C. Office of the Prosecutor[3]

### 1. Introduction

91. The third year of its operations saw significant developments with respect to the efforts of the Office of the Prosecutor to identify and bring to justice those responsible for the attack of 14 February 2005, and those responsible for attacks found to be connected to it. In working to accomplish its mandate, the Office has successfully advanced the objectives it set out in the second annual report, as follows:

(a) To ensure that the indictment in the *Ayyash et al.* case, if confirmed on the basis of prima facie evidence, meets the "beyond a reasonable doubt" threshold required at trial;

(b) To be able to bring to justice others who may be responsible for the attack of 14 February 2005;

(c) To endeavour to bring to justice those responsible for other attacks found to be connected to the attack of 14 February 2005.

[3] This section was prepared by the Prosecutor.

92. The first objective stemmed from the filing of an indictment on 17 January 2011, and three additional filings made in the following months. Confirmation, on 28 June 2011, marked a decisive step in the judicial process. It demonstrated that there was sufficient evidence to bring to trial four alleged perpetrators of the attack on 14 February 2005. This achievement was possible only with the determined and concerted efforts of the Investigation and Prosecution Divisions. At this stage, the Prosecutor requested the arrest of the four accused, and the Office of the Prosecutor has since played an active role in assisting the Lebanese authorities in fulfilling their obligations in this regard. Simultaneously, the Office focused on strengthening the evidentiary base to meet the standard of proof required at trial and continued with other trial preparations.

93. The second objective has continued to present paramount challenges, and progress in this respect, while positive, should be realistically assessed given the resources available and the priorities identified during the reporting period. Nonetheless, the work that was done has identified promising leads which are being investigated further.

94. The third objective has also translated into concrete results. The Office of the Prosecutor successfully established connectivity in three targeted attacks carried out in Beirut during the period leading up to and following the attack of 14 February 2005. The Office requested that these cases be deferred by the Lebanese judicial authorities to the Tribunal. The granting of the deferral in August 2011 opened a new chapter in the work of the Office of the Prosecutor and the life of the Tribunal; the Office now has exclusive jurisdiction to investigate and prosecute these three cases. Intensive work continued on these cases and, when warranted by the evidence, the Office will bring further indictments.

### 2. Confirmation of the indictment and issuance of arrest warrants in the *Ayyash et al.* case

#### Amended indictments

95. On 11 March 2011, as a result of the gathering and analysis of further evidence, the Prosecutor filed an amended indictment with the Pre-Trial Judge. This amended indictment expanded on the scope of the indictment filed on 17 January 2011 in connection with the attack of 14 February 2005 that killed former Lebanese Prime Minister Hariri and 21 other victims, and injured over 230 persons. On 6 May 2011, the Prosecutor filed another amended indictment to include substantive new elements that were not previously available. On 10 June 2011, at the request of the Pre-Trial Judge, the Prosecutor filed a further amended indictment.

#### Confirmation of the indictment

96. On 28 June 2011, the Pre-Trial Judge confirmed the indictment in the *Ayyash et al.* case. He thus indicated that he was satisfied that there was sufficient evidence to bring the accused to trial.

97. The indictment charges the following four accused persons for their individual criminal responsibility in the attack against Rafiq Hariri: Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra.

98. The indictment charges all four accused with conspiracy aimed at committing a terrorist act, as co-perpetrators. Ayyash and Badreddine are also charged with

committing a terrorist act by means of an explosive device, intentional homicide (of Hariri and the 21 other victims) with premeditation by using explosive materials, and attempted intentional homicide (of those who survived but were injured) with premeditation by using explosive materials. Oneissi and Sabra are charged as being accomplices to the commission of the others' offences. All charges in the indictment are crimes under Lebanese criminal law.

99. The evidence filed with the indictment (known as supporting material) corroborates the factual allegations and charges included in the indictment. The roles that the accused are alleged to have played in the attack are as follows: Badreddine served as the overall controller of the attack; Ayyash coordinated the assassination team that was responsible for the physical perpetration of the attack; and Oneissi and Sabra, in addition to being conspirators, prepared and delivered the false claim of responsibility video, which sought to blame the wrong people, in order to shield the conspirators from justice.

**Issuance of arrest warrants**

100. On the same day that he confirmed the indictment, the Pre-Trial Judge also granted the Prosecutor's request to issue warrants for the arrest of the four accused. In the arrest warrants, the Pre-Trial Judge requested "the competent authorities of the Lebanese Republic to search for and to arrest, in any place where [the accused] might be found in the territory of the Lebanese Republic, to detain and transfer [them] to the headquarters of the Tribunal". On 8 July 2011, at the request of the Prosecutor, the Pre-Trial Judge issued international arrest warrants against the accused. As a result of his decision, the Office of the Prosecutor provided INTERPOL with the necessary information to issue a "red notice" against each accused. Since then, at the request of the President of the Tribunal and the Trial Chamber, the Prosecutor has been actively assisting the Lebanese authorities to carry out their obligations to search for and arrest the accused.

### 3. Preparing for trial

101. After confirmation of the indictment, the same Office of the Prosecutor team that achieved this result continued working hard on several fronts to prepare for trial.

**Execution of arrest warrants and participation in hearing on trial in absentia**

102. In October 2011, at the same time as the Pre-Trial Judge seized the Trial Chamber with determining whether to initiate proceedings in absentia against the four accused, the President requested the Office of the Prosecutor to monitor the execution of the warrants of arrest. Since then, the Office has requested that certain investigative steps be conducted and, at the request of the Trial Chamber, has provided its assessment of the monthly reports of the Lebanese authorities submitted pursuant to an order of the President. In November 2011, the Office of the Prosecutor filed written submissions before the Trial Chamber on whether the requirements of rule 106 of the statute had been met to proceed to try the four accused in absentia. The Prosecution orally supplemented its written submissions during the hearing on proceedings in absentia, conducted by the Trial Chamber on 11 November 2011. At the request of the Trial Chamber in its Interim Decision of 23 November, the Office has since filed progress reports on the efforts of the

Lebanese authorities to apprehend the accused and the responses of the Lebanese authorities to requests for assistance in this regard from the Office of the Prosecutor.

**Strengthening the evidence and identifying others responsible for the attack**

103. Post-confirmation, the investigation continued in order to meet the evidentiary threshold required at trial in the case of *Ayyash et al.*, and to make it possible to bring to justice others who may be responsible for the attack of 14 February 2005. The Office of the Prosecutor continued to explore all relevant leads and potential defences. Painstaking analysis of a huge amount of information from diverse sources continued to identify useful leads, many of which resulted in valuable evidence when followed up with investigative activities in the field. Progress was made possible only through the continued cooperation and assistance of Lebanon and other States in the investigation.

104. All of the work of the Office of the Prosecutor requires State support, be it to interview people within third countries, to obtain forensics or other technical expertise, to obtain or have access to information the State may hold so that it can be converted into evidentiary form and tendered in court, or simply to obtain legal case files in cases that have been decided within the State's jurisdiction. As the Office prepares for trial, securing the full and timely cooperation of States remains key to the successful implementation of its mandate.

105. Some idea of the scope of the operational activities of the Office of the Prosecutor may be gleaned from a few statistics. During the reporting period, over 350 formal requests for assistance were dispatched to Lebanon and other States. Nearly 300 interviews were conducted during approximately 100 missions. Each interview and mission required extensive research and planning in advance.

106. The positive results were hard won. In the last quarter of 2011, the precarious financial situation of the Tribunal had a serious impact on the operational capacity of the Office of the Prosecutor. Only missions deemed critical were approved while others were postponed, and recruitment could not keep pace with attrition. In order to reduce the impact of the financial constraints, the Office prioritized its collection requirements. The most critical needs were met first. With careful management, the Office thus managed to reduce the operational impact of the financial situation.

**Information management and maintaining the integrity of evidence**

107. With the huge volume of information and evidence handled in relation to the investigation and trial preparations, it is imperative that information management systems are robust and that procedures are in place to maintain the integrity of evidence which could be used in trial. During the reporting period, the Office of the Prosecutor enhanced existing systems and procedures through considerable effort, including work to ensure that the identification and transfer of materials subject to disclosure obligations would be secure, efficient, and accountable. Despite electronic tools to manage information, there was a continuous need for the very laborious examination of materials by Office of the Prosecutor staff so that the contents could be categorized accurately.

**Preparations for disclosure of supporting material**

108. Following confirmation, the Office of the Prosecutor has been preparing to disclose the supporting material filed with the indictment, pursuant to rule 110 (A) (i). In this connection, the Office is closely monitoring the translation of the supporting material and performing other related tasks in order to meet its disclosure obligations. The Prosecution has also been working with witnesses in order to address whether, and if so, what protective measures may be required at trial pursuant to the Tribunal's Rules of Procedure and Evidence. In addition, the Office of the Prosecutor has sent requests for assistance to States to obtain their consent to the disclosure of the statements of their official expert witnesses and is working with them to arrange potential protective measures.

**Preparations for victims' participation**

109. Preparations also continued to be ready for proceedings regarding the participation of victims in the proceedings.

**Proposals to amend the Rules of Procedure and Evidence submitted to the Plenary of Judges**

110. The Office of the Prosecutor drafted several proposals to amend the Tribunal's Rules of Procedure and Evidence and submitted them to the Plenary of Judges, which was held on 8 and 9 February 2012. The Prosecution Division, which represents the Office in the Tribunal-wide Rules Committee, also submitted extensive comments on the proposals filed by the Tribunal's other organs.

## 4. The Hamadeh, Hawi and El-Murr attacks

111. Another focus of the investigative efforts of the Office of the Prosecutor was on three other targeted attacks: against Marwan Hamadeh, George Hawi and Elias El-Murr. Significant progress was made in each of these cases, and sufficient evidence was gathered to satisfy the Pre-Trial Judge that these attacks were connected with the attack of 14 February 2005 in the manner required by article 1 of the statute.

**Connectivity**

112. On 30 June 2011, the Prosecutor filed a Connected Cases Submission and evidence in support of it, with regard to:

- The attack of 1 October 2004 against Marwan Hamadeh, resulting in the death of one person and injury to Mr. Hamadeh and several other persons
- The attack of 21 June 2005 against George Hawi, resulting in his death and injury to another person
- The attack of 12 July 2005 against Elias El-Murr, resulting in the death of one person and injury to Mr. El-Murr and more than 20 other persons.

113. In a decision of 5 August 2011, the Pre-Trial Judge ruled that the attacks against Hamadeh, Hawi, and El-Murr are connected to the attack of 14 February 2005 in the manner required by article 1 of the statute, and therefore, fall within the jurisdiction of the Tribunal. This decision represents the first findings on jurisdiction over connected attacks under article 1 of the Tribunal's statute. At the

Prosecutor's request, the Connected Cases Submission and the Pre-Trial Judge's decision on connectivity remain confidential so as not to compromise the investigation, and to protect the victims and potential witnesses.

**Deferral**

114. The Pre-Trial Judge's decision on connectivity enabled the Prosecution to seek the deferral of these cases to the Tribunal. On 8 August 2011, the Office of the Prosecutor requested the Pre-Trial Judge to order the Lebanese judicial authorities seized with the Hamadeh, Hawi, and El-Murr cases to defer to the jurisdiction of the Tribunal and to forward to it the results of their investigations and the relevant case files. On 19 August 2011, the Pre-Trial Judge granted the Prosecution's requests. As a result of the deferral decisions, the Office acquired exclusive jurisdiction to investigate and prosecute those cases. This opened a new chapter in the work of the Office of the Prosecutor. A senior-level team from the Office met at that time with the Lebanese Prosecutor General and the Lebanese Judges seized of the three connected cases to explain and discuss the implications of the deferral orders.

**Indictment**

115. Following deferral, investigative and analytical work on these three connected cases intensified, and, when warranted by the evidence, the Office of the Prosecutor will bring further indictments. In accordance with rule 88, the Office held a number of meetings with the Pre-Trial Judge to familiarize him with the evidence in these cases.

## 5. Other litigation

116. The Prosecutions Division has continued to take the lead in responding to litigation initiated by Mr. Jamil El Sayed, who — for the purpose of his seeking relief in national courts — has requested the disclosure of materials allegedly forming part of the Prosecutor's evidentiary holdings. The past year has seen a further increase in activity in this matter, and the Prosecutor has been active in making submissions before the Pre-Trial Judge and Appeals Chamber. The Office of the Prosecutor has implemented a comprehensive workplan for complying with the rulings of the Pre-Trial Judge and Appeals Chamber for disclosure of documents to Mr. El Sayed, which pays particular attention to the delicate balance in respect of the legitimate concerns about witness protection and such disclosure.

## 6. Public information and outreach

117. As was to be expected, the filing of a sealed indictment and the confidential confirmation process during the first part of 2011 generated much speculation in the media. Misinformation and misunderstanding were rife. Expectations among the Lebanese people and the international community ran high. So, too, did fears in some quarters. This presented a double challenge when developing the outreach strategy of the Office of the Prosecutor for the first part of the reporting period. Outreach activities had to be adapted in the light of the confidentiality constraints posed by the ongoing investigation during the time the indictment was not confirmed and while it remained sealed. At the same time, enough information had to be provided so as to temper expectations.

118. After confirmation of the indictment and its partial unsealing, there were concerted attempts to undermine the credibility of the Office of the Prosecutor, its investigation and the investigative process. Against this background, the Office sought to communicate two main messages; first, that this is a judicial process, the proper forum to challenge the investigation or the evidence gathered as a result is in open court during a trial that fully complies with international standards; and second, that the Office of the Prosecutor continues to pursue all credible investigative leads.

119. With the unsealing of the indictment, the outreach strategy of the Office has focused on facilitating the public's understanding of the indictment and the work of the Office of the Prosecutor. To that end, the Office provided a brief overview of the indictment, in the form of a press release, at the time of its unsealing. In addition, the Office has participated in outreach events organized by the Registry designed to familiarize lawyers, judges, diplomats and lay persons with the functioning of the Tribunal, its mission, and the rules and principles that guide its work.

## 7. The way forward

120. 29 February 2012 marked the close not only of the first mandate of the Tribunal, but also of the tenure of Daniel A. Bellemare as Prosecutor, following his decision not to seek reappointment for a second term. On 29 February 2012, the Secretary-General appointed Mr. Norman Farrell as the new Prosecutor of the Special Tribunal.

121. Confirmation of the indictment demonstrated that there is sufficient evidence to bring the accused to trial. For the Office of the Prosecutor, this marked a very important step in investigating and prosecuting persons responsible for the crimes within the Tribunal's jurisdiction. But it is only one more step. There is still a lot to be done before the Office can achieve its challenging mandate.

122. The Office of the Prosecutor thus has four main goals for the coming year:

(a) The first goal is to strengthen the evidence to meet the standard of proof required at trial and prepare for trial in the case of *Ayyash et al.*;

(b) The second goal is to identify others who may be responsible for the attack of 14 February 2005. Article 3 of the statute of the Tribunal includes among those criminally responsible for the crimes within the Tribunal's jurisdiction those who committed, participated as accomplice, organized or directed others to commit the crime. It also includes superiors;

(c) The third goal is to advance the work on the three deferred connected cases so as to be able to file indictments in the attacks against Marwan Hamadeh, George Hawi and Elias El-Murr;

(d) The fourth goal is to continue to determine whether any other attacks can be connected with that of 14 February 2005 in the manner required by article 1 of the statute, so as to be able to seek their deferral to the Tribunal.

123. These goals are all contemplated by the mandate of the Tribunal, as set out in its statute. The length of the Tribunal's mandate and the resources available will determine the extent to which the Office of the Prosecutor will be able to achieve them. In addition, certain conditions must prevail: in this respect, the continuation of State cooperation and United Nations support remain essential.

## D. Defence Office[4]

### 1. Introduction

124. The Defence Office is a fully independent organ of the Tribunal. With its principal duties to "protect the rights of the defence, provide support and assistance to defence counsel and to the persons entitled to legal assistance, including, where appropriate, legal research, collection of evidence and advice, and appearing before the Pre-Trial Judge or a Chamber in respect of specific issues" (article 13 (2) of the statute of the Tribunal), the Defence Office constitutes an important safeguard for the fairness of proceedings and the presumption of innocence.

125. The reporting period did not see the judicial activity that was expected by the Defence Office. As such, in many ways, the reporting period was a year of consolidation and continued readiness for proceedings. On the other hand, while proceedings have not started in earnest, the confirmation of an indictment against four persons in the *Ayyash et al.* case did mark the beginning of the legal process. The Defence Office is tasked with protecting the rights of the accused in this process, which is of crucial importance in the absence of any defence counsel representing the accused at this stage. The novelty of possible in absentia proceedings means that the Defence Office continues to confront challenging legal issues that require it to critically examine its role and function.

126. The Defence Office performs its functions autonomously and without regard for political considerations. It does not represent any suspects or accused, but is responsible for the assignment of independent counsel to such persons. It may also take part in the proceedings — both orally and in writing — upon request from the Chambers or *proprio motu* (pursuant to rule 57 (F)).

### 2. Organization of the Office

127. During the reporting period, no changes were made to the organizational structure of the Defence Office as compared with the previous annual report. Following the adoption of the Legal Aid Policy (see below), the Legal Aid Unit, as foreseen in article 37 of the Directive on the Assignment of Defence Counsel, was established in practice, consisting of a Head of Unit (a function executed by the Defence Chef de Cabinet) and an administrative officer responsible for the day-to-day administration. At the end of the reporting period, two additional staff members were recruited: a liaison officer to support the Defence Office and defence counsel in Lebanon; and a legal adviser on Lebanese law for the Defence Legal Advisory Section. At the close of the reporting period, the Defence Office comprised 10 staff members, with people working in four different units: a management unit; a legal advisory section; a legal aid unit; and an operational support unit.

128. The team of staff members was assisted by a number of interns supporting the functioning of the Office. These interns came to Leidschendam from a variety of countries, including Lebanon, Iraq, France, Hungary, the Netherlands and the United States of America.

[4] This section was prepared by the Head of Defence Office.

### 3. Involvement in judicial activities

129. During the reporting period, the Defence Office was involved in a number of preliminary proceedings before the Pre-Trial Judge and the Trial Chamber. These included proceedings pursuant to rule 10, where the Defence Office was requested to make submissions on the use of languages in the *Ayyash et al.* case. The Defence Office was also invited to make submissions on whether the Trial Chamber should initiate in absentia proceedings.

130. As part of the rule 106 proceedings before the Trial Chamber to decide whether to initiate in absentia proceedings, the Defence Office decided to assign duty counsel in order to protect the rights of the accused. The Trial Chamber did not agree with the legal basis for the assignment of duty counsel (owing to the fact that the accused were not consulted before the assignment) but allowed the duty counsel to participate in the oral hearing and make written submissions as persons designated by the Head of Defence Office under rule 57 (F). This suggestion was not taken up by the Defence Office and the proceedings concerning the initiation of proceedings in absentia continued without the input of the duty counsel representing the interests of the accused.

131. The Defence Office continues to support counsel for Mr. El Sayed in his efforts to obtain information.

### 4. Regulatory framework

132. At the beginning of the reporting cycle, the President adopted a Practice Direction on the role of the Head of the Defence Office. This document provides guidelines regarding the exercise of rights of audience by the Head of the Defence Office as well as the Defence Office's access to filings by the parties.

133. A number of projects concerning defence counsel were also resolved in the reporting period. One of the main projects was the adoption of a legal aid policy for the defence. This was adopted after consultation with the President and the Registrar, and subject to review of the financial and administrative implications by the Management Committee. Another document that governs the provision of financial assistance is the defence travel and allowances policy. These two policies set the criteria, entitlements, payment levels and associated procedures for counsel for indigent and partially indigent accused, as well as for in absentia proceedings. The policies are based on the principles of equality of arms and judicial economy. The Defence Office also completed drafting a legal services contract to be entered into by assigned counsel.

134. The Defence Office further participated in the drafting of a code of professional conduct for counsel appearing before the Tribunal, which was adopted during the reporting period. The Defence Office proposed an additional code of conduct for defence counsel, which sets out in further detail the ethical obligations of defence counsel and prescribes appropriate disciplinary proceedings. In compliance with its obligations to ensure that the representation of suspects and accused meets internationally recognized standards, the Defence Office worked on an effective representation regime, which is envisaged to be part of the code of conduct for defence counsel.

135. The Defence Office proposed a series of amendments to the Rules of Procedure and Evidence and commented on proposals made by other organs.

### 5. List of counsel

136. The list of counsel remains open to persons who wish to be admitted. The entitlement of an accused to be represented by counsel of his own choosing is a fundamental right. There is, however, a distinction to be made between an accused who pays for his own defence and one who receives legal aid to pay for his defence. Within the context of a legal aid system, the freedom of choice is to some extent restricted to ensure the quality of representation and the appropriate expenditure of public funds. The Defence Office therefore maintains a list of counsel for purposes of legal aid assignments, including in absentia assignments.

137. As part of the admission process, applicants are interviewed by a panel of three lawyers, including the Head of the Defence Office. During the reporting period, 29 new applications were received, and the panel held 28 interviews. As a result, 27 counsel were admitted to the list, of which 21 can be selected as lead counsel and six as co-counsel. During the reporting period, one counsel withdrew from the list.

138. At the end of the reporting period, 132 counsel were included on the list. They practice in 26 different national jurisdictions. The list includes eight Lebanese counsel, which represents a gradual improvement from previous years.

139. As part of its efforts to ensure that counsel on the list meet high standards of qualifications and competence, the Defence Office organized a third session of mandatory training for counsel in March 2011. The training, which was funded in large part by the European Commission, aimed to ensure that all counsel on the list are familiar with the statute and the Rules of Procedure and Evidence of the Tribunal, with a particular focus on the particularities of the Tribunal, such as victims' participation, the crime of terrorism, and the possibility of trials in absentia.

### 6. Preparation for assignment of counsel

140. During the reporting period, preparations were finalized to provide the necessary facilities, support and assistance to counsel, often in close cooperation with the Registrar and his staff. The Legal Aid Unit has been actively preparing for the administration of legal aid. This involved detailed discussions with Registry counterparts regarding budget, finance, travel and human resources. In terms of facilities, preparations took place to provide the defence with office space and a separate information technology network, as well as other information technology services to ensure information security.

### 7. Press, public affairs and outreach activities

141. In the reporting period, the Defence Office continued with its public affairs activities. Two round tables with lawyers were organized in Lebanon, in close cooperation with the Registry's Victims' Participation Unit and the Beirut and Tripoli Bar Associations. Other missions to Lebanon focused on the relationship with governmental and non-governmental stakeholders. After the confirmation of the indictment, the Head of the Defence Office travelled to Lebanon to address the media on a number of key areas. The Defence Office also participated in a conference on international criminal law held in Lebanon. Through its missions, the Defence Office also maintains a relationship with a number of Lebanese law faculties with which it cooperates. A final mission was undertaken at the end of the reporting period to inform relevant stakeholders and the media of the current

defence-related developments in the *Ayyash et al.* case. Furthermore, on 24 January 2012, the Head of the Defence Office answered questions on Twitter.

### 8. Legal advisory activities

142. Aside from supporting the activities described under "involvement in judicial activities", the Legal Advisory Section continued its preparations to support counsel in future judicial proceedings. The preparation of legal memorandums continues, and the Interlocutory Decision of 16 February 2011 on preliminary questions (rule 176 *bis*) provided further guidance on the projects ahead. These legal memorandums will enable counsel to better represent their client(s), as well as assist the Judges in rendering fair and effective justice, as they will improve trial preparation and the quality of submissions. Other activities of the Legal Advisory Section included input on the drafting of all regulatory documents and preparation of the Defence Office's submissions in the *Ayyash et al.* case.

### 9. The way forward

143. Now that the Trial Chamber has decided to initiate in absentia proceedings, the activities of the Defence Office will focus on support and assistance of counsel. The Defence Office will have to recalibrate its own role in the proceedings, as counsel for the defence take the primary place at the bar table.

144. In the background, the Defence Office shall continue to work with the other organs of the Special Tribunal for Lebanon to ensure that the rights of the defence are adequately understood and protected. Where collective issues arise, the Defence Office shall take up those issues and address them at the appropriate levels. The role of the Defence Office will also develop towards the oversight of counsel's performance.

145. It will be very important to keep the Lebanese public abreast of developments during the pretrial and trial phases of the proceedings. The Defence Office shall focus its activities on disseminating information about the work and the role of defence counsel, in particular relating to the in absentia trial.

146. The legal aid policy will be put to the test, as will the capacity of the Legal Advisory Section to support a number of defence teams with different priorities. As the defence counsel will require access to information, the Defence Office will work together with the Lebanese authorities in the implementation of its memorandum of understanding on defence investigations. Moreover, when necessary, the Defence Office will seek the cooperation of other States.

147. Generally speaking, the defence counsel and their teams will undertake preparatory work, conduct factual investigations and take all necessary steps to protect the rights of the individual accused.

# Part III — Conclusions

## A. The role of the Special Tribunal for Lebanon

148. In his second annual report, President Cassese outlined three important aims of the Special Tribunal, which we endorse. The first was to continue the investigations

begun by the United Nations International Independent Investigation Commission and ensure that the alleged perpetrators of the crimes within the Tribunal's jurisdiction be identified and tried fairly and expeditiously. That requires meticulous protection of the lawful interests of suspects and accused, including those listed in articles 15 and 16 of the statute. Subject to the absolute requirement of fair trial the interests of victims must be borne in mind (article 17) and unnecessary delay avoided. The Tribunal's mission is crucial, not only because the Security Council determined that the attack of 14 February 2005 was a threat to international peace and security, but also because the people of Lebanon requested the assistance of the international community to uncover the truth behind the attacks. This request emanated from the shared desire of Lebanese citizens to put an end to the terrorist crimes that have blighted their recent history and to give a voice to the victims of such attacks.

149. The second aim is to support the Lebanese people in coming to terms with the serious consequences of the assassinations and, more generally, to assist in restoring faith in the rule of law in a country where assassinations have been employed as a political technique. Within this aim, the role of the Special Tribunal is to contribute to challenging impunity. This responsibility reaches beyond the proper adjudication of the matters squarely before us: by bringing accused persons to justice and adhering to the presumption of innocence, the Special Tribunal shows that these are essential steps in consigning violence to the past and resolving political battles through lawful means instead of force. In this respect, the international character of the Tribunal assists in shielding judicial activity from local political struggles, helping to achieve a long-term view of the need for justice as a foundation for peace.

150. A third aim was to deliver justice not just fairly, but also expeditiously. The statute of the Special Tribunal provides explicitly that it "shall confine the trial, appellate and review proceedings strictly to an *expeditious* hearing of the issues raised by the charges, or the grounds for appeal or review, respectively. It shall take *strict measures to prevent any action that may cause unreasonable delay*" (article 21 (1) of the statute; see also article 28 (2) [emphasis added]). The Rules of Procedure and Evidence, among them rule 130 (empowering the Trial Chamber and, via rule 176 (B) the Appeals Chamber, to give directions to ensure a fair, impartial and expeditious trial) have been devised with this requirement as a consideration. But it is to be emphasized that "expeditious" does not mean "expedient"; in directing avoidance of "unreasonable delay", article 21 (1) does not dilute the absolute obligation of the Special Tribunal that the trial be fair and the rights of each accused fully protected, as article 21 (2) (the need to ensure a fair trial) expressly requires. It is against this background that we should engage in a candid assessment of our performance after three years of activity.

## B. Overview of our progress

151. Despite seven years' investigation, the first four by the United Nations International Independent Investigation Commission, it was only on 1 February 2012, namely, 35 months after the start of the Tribunal's activity, that it was possible for the Trial Chamber to reach its decision that there should be a trial in absentia of the four accused in the *Ayyash et al.* case. Having confirmed the indictment, the Pre-Trial Judge is now seized of various legal issues related to pretrial proceedings.

The Appeals Chamber will hear any interlocutory appeal without delay. The Pre-Trial Judge and his staff are working expeditiously on various ancillary matters in that case, including victims' participation, disclosure to the Defence and preparation of the case file.

152. All Judges are now on board. Although they were selected in December 2007, they were not formally appointed until March 2009. At that stage, three Judges — President Cassese, Vice-President Riachy and Pre-Trial Judge Fransen — moved to the seat of the Tribunal in Leidschendam. Until September 2011, the remaining Judges, three in addition to the President and Vice-President in the Appeals Chamber and all five members of the Trial Chamber, had not taken office, and thus were not receiving salaries and were being remunerated only for the exact time spent working on specific projects for the Special Tribunal.

153. Throughout the reporting period, the Office of the Prosecutor, the Defence Office and Registry also made significant strides in pursuit of the Tribunal's mandate. The Office of the Prosecutor continued its investigations into crimes that were held by the Pre-Trial Judge to fall within the Tribunal's jurisdiction and satisfied him of connections between three targeted attacks carried out in Beirut during the period between 1 October 2004 and 12 December 2005, over which he determined the Tribunal therefore has jurisdiction. The Office of the Prosecutor thereupon sought and obtained authority over these cases. It also moved forward with its preparations for trial in the *Ayyash et al.* case. The Defence Office focused on interviewing and admitting counsel to its list of defence counsel, training those counsel and otherwise ensuring that accused persons are represented before the Tribunal in accordance with the highest standards of international justice. In addition, the Registry's sections, in particular the Court Management Services Section, the Victims' Participation Unit, the Victims and Witnesses Unit, the Language Services Section, the Public Affairs Section and the Outreach and Legacy Section units, worked in earnest to support the overall operations of the Tribunal and to prepare for the start of trial activities.

154. After robust litigation, the Judges have ordered disclosure of specific classes of documents to Mr. El Sayed, one of the four generals detained by the Lebanese authorities in connection with the attack of 14 February 2005 and released upon the Special Tribunal's order, issued immediately after it commenced its activities.

## C. Expectations for the fourth year of activities of the Special Tribunal

155. In its fourth year of activity (1 March 2012 to 28 February 2013), the Tribunal may be expected to start trial proceedings against the four accused in the *Ayyash et al.* case and prepare to consider charges in any other cases supported by prima facie evidence. Investigations should continue to identify new suspects and accused in relation to cases within the Tribunal's jurisdiction. Intensified efforts are required of the Lebanese authorities to search for, arrest, detain and transfer them to the Tribunal. Moreover, nothing prevents the domestic judicial authorities from investigating and prosecuting other crimes over which they have jurisdiction; in so doing, they may request the Tribunal's cooperation when necessary.

156. To reach the goals referred to above, the Tribunal will recruit only the necessary staff and avoid any expenses not warranted by the need to achieve those goals justly and expeditiously.

157. In addition, the Special Tribunal will intensify its public affairs programmes, especially its outreach programme. This is essential because both support for the work of the Special Tribunal and informed criticism, a valuable help to improving our work, hinge on dissemination to the public of accurate information.

## D. Final observations

158. Over the past 12 months, with the vital support of the Government of Lebanon and the international community, the Special Tribunal has overcome a variety of obstacles to its mission of delivering fair and swift justice. The loss of key figures, although greatly regretted, has not been allowed to have a negative impact on the efficiency and energy of the institution as a whole. As new members, staff and Judges join the organization, they are smoothly integrated into a solid group, hardened by its resolve to fulfil the Special Tribunal's mandate professionally.

159. The Special Tribunal is a temporary and transitional institution. We are determined that its mission be accomplished swiftly so that we may wind down our judicial activities, allowing Lebanon to resume its own course towards full faith in the rule of law. Our overarching purpose, which includes the three aims identified above, is to assist Lebanon in upholding the rule of law and removing impunity. Our role is as servants of Lebanon and results from its exercise of the sovereign right to request the assistance of the United Nations during a delicate period of its history. After this brief and extraordinary phase, Lebanon will be able to leave this troubled period behind, remembering its ancient past as the cradle of modern civil law, and will finally be free to focus on the future. The strength of the legal and academic communities of Lebanon will allow the administration of justice in the country to restore the stability needed for a settled future. We must show that terrorism does not go unpunished and that the only proper way of fighting it is through fair and expeditious judicial proceedings which adhere meticulously to fair trial rights and the presumption of innocence.

160. The investment in justice made by Lebanon and the international community in the Special Tribunal is starting to pay a return. We have been able by the determination and strong support of Lebanon and many other international players to receive cooperation, secure funding, and expand our operations to cover connected attacks, all of which will allow our mandate to be fulfilled.

# Annex I

## Geographical representation of international staff of the Special Tribunal for Lebanon at the Professional level and above and in the Field Service category as at 27 February 2012

| *State* | *Number of nationals* | *State* | *Number of nationals* |
|---|---|---|---|
| Australia | 17 | Jordan | 2 |
| Austria | 3 | Kenya | 1 |
| Bangladesh | 1 | Lebanon | 18 |
| Barbados | 1 | Montenegro | 1 |
| Belgium | 3 | Netherlands | 9 |
| Bosnia and Herzegovina | 2 | New Zealand | 3 |
| Bulgaria | 1 | Philippines | 1 |
| Canada | 14 | Romania | 3 |
| Czech Republic | 1 | Russian Federation | 1 |
| Denmark | 2 | Serbia | 1 |
| Fiji | 1 | South Africa | 5 |
| Finland | 2 | Spain | 4 |
| France | 18 | Sudan | 1 |
| Germany | 3 | Sweden | 2 |
| Guyana | 1 | Switzerland | 1 |
| Hungary | 1 | The former Yugoslav Republic of Macedonia | 1 |
| India | 2 | Tunisia | 3 |
| Iraq | 2 | Turkey | 1 |
| Ireland | 7 | Ukraine | 2 |
| Italy | 5 | United Kingdom of Great Britain and Northern Ireland | 32 |
| Jamaica | 2 | United States of America | 12 |
| Japan | 2 | | |
| **Total** | | | **195** |

# Annex II

## Geographical representation of General Service staff of the Special Tribunal for Lebanon as at 27 February 2012

| *State* | *Number of nationals* | *State* | *Number of nationals* |
|---|---|---|---|
| Argentina | 1 | Latvia | 1 |
| Australia | 3 | Lebanon | 32 |
| Belgium | 1 | Mexico | 1 |
| Bosnia and Herzegovina | 5 | Nepal | 2 |
| Brazil | 2 | Netherlands | 41 |
| Bulgaria | 1 | New Zealand | 1 |
| Canada | 2 | Pakistan | 3 |
| China | 1 | Peru | 1 |
| Croatia | 4 | Romania | 4 |
| Egypt | 1 | Russian Federation | 1 |
| Ethiopia | 1 | Serbia | 4 |
| Finland | 1 | Sierra Leone | 7 |
| France | 8 | South Africa | 1 |
| Germany | 2 | Spain | 3 |
| Ghana | 2 | Sudan | 1 |
| Iceland | 1 | The former Yugoslav Republic of Macedonia | 1 |
| India | 1 | Tunisia | 2 |
| Iran | 1 | Uganda | 3 |
| Iraq | 1 | United Kingdom of Great Britain and Northern Ireland | 7 |
| Ireland | 3 | United Republic of Tanzania | 1 |
| Italy | 1 | United States of America | 3 |
| Jordan | 1 | Uzbekistan | 1 |
| Kenya | 2 | | |
| **Total** | | | **167** |